

EXHIBIT A

IN THE ALLEN SUPERIOR COURT

CAUSE NO. _____

-1-

4. Plaintiff filed Charges of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), No. 24D-2018-00167 and No. 24D-2018-00168, both of which are attached hereto, made a part hereof and incorporated herein as Exhibits “A” and “B”. The EEOC issued a Dismissal and Notice of Rights for both Charges on August 20, 2018 and they are attached hereto as Exhibits “C” and “D”.
5. As against Forge, Plaintiff claims that he reported his “Berne” supervisor for sexual harassment and that Forge suspended his assignment at Berne. Plaintiff also claims that he was demoted and suffered a pay decrease. Plaintiff alleges that this was done on the basis of his race and sex, and that he suffered discrimination and retaliation. On March 2, 2018, Forge told Complainant that his assignment at Berne was terminated. Plaintiff alleges that his suspension, demotion and termination were retaliatory because he reported his supervisor’s sexual harassment. Furthermore, Forge has failed to provide Plaintiff any work assignments since these events.
6. As against Berne, Plaintiff claims that he repeatedly reported his supervisor (Sherry Cox) for sexual harassment, i.e. making inappropriate gestures toward Plaintiff. Plaintiff complained to his Forge onsite supervisor, as well as the Berne Plant Manager. Plaintiff contends that the conduct was sexual in nature and that it occurred because of his sex. Nothing was done as a result of his complaints. On February 18, 2018, Plaintiff reported Sherry Cox after she “flipped off” Plaintiff and told him “stick these up my butt.” Plaintiff was retaliated against and was suspended without pay and demoted from his lead position, which included a pay decrease. On March 2, 2018, Plaintiff’s assignment was terminated, resulting in a retaliatory discharge.

7. The actions of the Defendants were intentional and in reckless disregard of Plaintiff's federally protected civil rights under Title VII and 42 U.S.C. § 1981 which prohibits employers from discriminating against employees on the basis of their race. Plaintiff suffered the loss of his job and job-related benefits including income. Plaintiff experienced mental anguish, emotional distress, financial distress, humiliation, embarrassment, inconvenience and other damages and injuries for which he seeks compensatory damages.
8. Plaintiff seeks punitive damages against the Defendants, and each of them.

WHEREFORE, Plaintiff prays for judgment against the Defendants, for compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/ Christopher C. Myers
Christopher C. Myers, #10043-02
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
E-mail: cmyers@myers-law.com
Counsel for Plaintiff

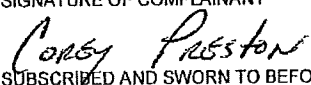
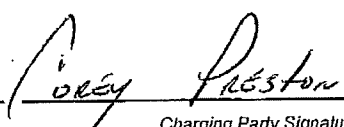
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EEOC Form 5 (11/09)

Allen Superior Court 9

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA EC-0041-A18 <input checked="" type="checkbox"/> EEOC 24D-2018-00167	
City of Fort Wayne Metro Human Relations Commission and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Corey Preston		Home Phone (Incl. Area Code) (260) 203-7629	Date of Birth 1969
Street Address City, State and ZIP Code 137 East Dewald Street, Apartment 1b, Fort Wayne, IN 46803			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name BERNE APPAREL		No. Employees, Members 15 - 100	Phone No. (Include Area Code) (888) 772-3763
Street Address City, State and ZIP Code 2501 E 850 N, Ossian, IN 46777			
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 07-01-2017 03-02-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I am a qualified individual who was sent to work for Berne Apparel ("Berne") from Forge Industrial Staffing ("Forge") since July 2014. During my assignment, I have repeatedly reported my Berne supervisor Sherry Cox ("Cox") for making inappropriate gestures towards me to Forge onsite supervisor Sam and Berne plant manager Phil Gibson ("Gibson"). I believe the conduct was sexual in nature and because of my sex, male. In July 2017, I reported my concerns again to members of management. However, nothing was addressed. On February 28, 2018, I reported Cox after she flipped me off and told me to "stick these up my butt." As a result, I was suspended without pay and demoted from my lead position which included a pay decrease per an agreement to continue my assignment. On March 2, 2018, my assignment was ended. For these reasons, I believe I have been sexually harassed on the basis of my sex, male, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.			

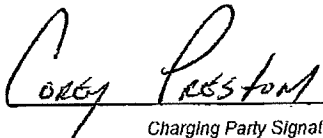
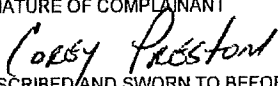
 2018 MAR 19 AM 8:48
 EEOC INDIANAPOLIS
 DISTRICT OFFICE
 RECEIVED
 EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.	NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
Mar 12, 2018 Date  Charging Party Signature	

EX. A

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	EC-0042-A18 24D-2018-00168
City of Fort Wayne Metro Human Relations Commission			and EEOC
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Corey Preston		Home Phone (Incl. Area Code) (260) 203-7629	Date of Birth 1969
Street Address City, State and ZIP Code 137 East Dewald Street, Apartment 1b, Fort Wayne, IN 46803			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name FORGE INDUSTRIAL STAFFING		No. Employees, Members 15 - 100	Phone No. (Include Area Code) (260) 471-5900
Street Address City, State and ZIP Code 1010 West Coliseum Boulevard, Suite A, Fort Wayne, IN 46808			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
<div style="display: flex; justify-content: space-between;"> <div> DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) </div> <div> DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 02-28-2018 03-02-2018 <input type="checkbox"/> CONTINUING ACTION </div> </div>			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I am a qualified black individual who has worked as a temporary employee for Forge Industrial Staffing ("Forge") since July 2014. On February 28, 2018, I was suspended from my assignment at Berne Apparel ("Berne") after I reported my Berne supervisor Sherry Cox ("Cox"). I was also demoted which included a pay decrease. On March 2, 2018, Forge manager Terra Ditton ("Ditton") informed me that my assignment at Berne was terminated. I informed Ditton that I felt my suspension, demotion and termination was because I reported Cox's conduct. Forge has also not given me a work assignment since then.</p> <p>For these reasons, I believe I have been discriminated against on the basis of my race, black and sex, male in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p style="text-align: center;"> Mar 12, 2018 Date </p> <p style="text-align: center;">  Charging Party Signature </p>	<p>NOTARY - When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p style="text-align: center;">  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) </p>
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Ex. B

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: ☒ Corey Preston
137 East Dewald Street, Apartment 1B
Fort Wayne, IN 46803

From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24D-2018-00167

Frederick J. BruBaker,
Enforcement Supervisor

(317) 226-7350

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

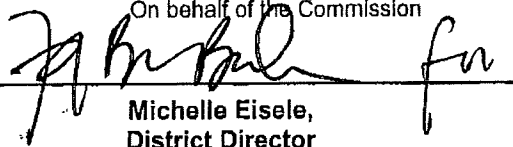
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Michelle Eisele,
District Director

AUG 20 2018

(Date Mailed)

Enclosures(s)

cc: BERNE APPAREL
c/o Anthony M. Stites
BARRETT MCNAGNY
215 E. Berry Street
P.O. Box 2263
Fort Wayne, IN 46802

Ex. C

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Corey Preston**
 137 East Dewald Street, Apartment 1B
 Fort Wayne, IN 46803

From: **Indianapolis District Office**
 101 West Ohio St
 Suite 1900
 Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24D-2018-00168

Frederick J. BruBaker,
 Enforcement Supervisor

(317) 226-7350

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



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The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

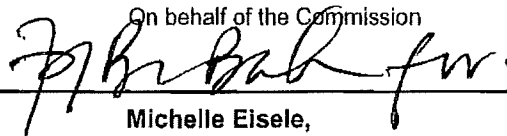
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On behalf of the Commission



Michelle Eisele,
 District Director

AUG 20 2018

(Date Mailed)

Enclosures(s)

cc: **FORGE INDUSTRIAL STAFFING**
 c/o William Dugan
 BAKER & MCKENZIE LLP
 300 East Randolph, Suite 5000
 Chicago, IL 60601

Ex. D